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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/038,891	01/02/2002	Jeffrey T. Borenstein	62030(51588)	8813
27045	7590	08/10/2007		
ERICSSON INC. 6300 LEGACY DRIVE M/S EVR 1-C-11 PLANO, TX 75024			EXAMINER NAFF, DAVID M	
			ART UNIT 1657	PAPER NUMBER
			MAIL DATE 08/10/2007	DELIVERY MODE PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

**Advisory Action
Before the Filing of an Appeal Brief**

Application No.

10/038,891

Applicant(s)

BORENSTEIN ET AL.

Examiner

David M. Naff

Art Unit

1657

--The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

THE REPLY FILED 27 July 2007 FAILS TO PLACE THIS APPLICATION IN CONDITION FOR ALLOWANCE.

1. ☒ The reply was filed after a final rejection, but prior to or on the same day as filing a Notice of Appeal. To avoid abandonment of this application, applicant must timely file one of the following replies: (1) an amendment, affidavit, or other evidence, which places the application in condition for allowance; (2) a Notice of Appeal (with appeal fee) in compliance with 37 CFR 41.31; or (3) a Request for Continued Examination (RCE) in compliance with 37 CFR 1.114. The reply must be filed within one of the following time periods:

- a) ☐ The period for reply expires _____ months from the mailing date of the final rejection.
b) ☒ The period for reply expires on: (1) the mailing date of this Advisory Action, or (2) the date set forth in the final rejection, whichever is later. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of the final rejection.

Examiner Note: If box 1 is checked, check either box (a) or (b). ONLY CHECK BOX (b) WHEN THE FIRST REPLY WAS FILED WITHIN TWO MONTHS OF THE FINAL REJECTION. See MPEP 706.07(f).

Extensions of time may be obtained under 37 CFR 1.136(a). The date on which the petition under 37 CFR 1.136(a) and the appropriate extension fee have been filed is the date for purposes of determining the period of extension and the corresponding amount of the fee. The appropriate extension fee under 37 CFR 1.17(a) is calculated from: (1) the expiration date of the shortened statutory period for reply originally set in the final Office action; or (2) as set forth in (b) above, if checked. Any reply received by the Office later than three months after the mailing date of the final rejection, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

NOTICE OF APPEAL

2. ☐ The Notice of Appeal was filed on _____. A brief in compliance with 37 CFR 41.37 must be filed within two months of the date of filing the Notice of Appeal (37 CFR 41.37(a)), or any extension thereof (37 CFR 41.37(e)), to avoid dismissal of the appeal. Since a Notice of Appeal has been filed, any reply must be filed within the time period set forth in 37 CFR 41.37(a).

AMENDMENTS

3. ☐ The proposed amendment(s) filed after a final rejection, but prior to the date of filing a brief, will not be entered because
(a) ☐ They raise new issues that would require further consideration and/or search (see NOTE below);
(b) ☐ They raise the issue of new matter (see NOTE below);
(c) ☐ They are not deemed to place the application in better form for appeal by materially reducing or simplifying the issues for appeal; and/or
(d) ☐ They present additional claims without canceling a corresponding number of finally rejected claims.

NOTE: _____. (See 37 CFR 1.116 and 41.33(a)).


4. ☐ The amendments are not in compliance with 37 CFR 1.121. See attached Notice of Non-Compliant Amendment (PTOL-324).
5. ☒ Applicant's reply has overcome the following rejection(s): See Continuation Sheet.
6. ☐ Newly proposed or amended claim(s) _____ would be allowable if submitted in a separate, timely filed amendment canceling the non-allowable claim(s).
7. ☐ For purposes of appeal, the proposed amendment(s): a) ☐ will not be entered, or b) ☐ will be entered and an explanation of how the new or amended claims would be rejected is provided below or appended.
The status of the claim(s) is (or will be) as follows:
Claim(s) allowed: _____.
Claim(s) objected to: _____.
Claim(s) rejected: _____.
Claim(s) withdrawn from consideration: _____.

AFFIDAVIT OR OTHER EVIDENCE

8. ☐ The affidavit or other evidence filed after a final action, but before or on the date of filing a Notice of Appeal will not be entered because applicant failed to provide a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented. See 37 CFR 1.116(e).
9. ☐ The affidavit or other evidence filed after the date of filing a Notice of Appeal, but prior to the date of filing a brief, will not be entered because the affidavit or other evidence failed to overcome all rejections under appeal and/or appellant fails to provide a showing of good and sufficient reasons why it is necessary and was not earlier presented. See 37 CFR 41.33(d)(1).
10. ☐ The affidavit or other evidence is entered. An explanation of the status of the claims after entry is below or attached.

REQUEST FOR RECONSIDERATION/OTHER

11. ☒ The request for reconsideration has been considered but does NOT place the application in condition for allowance because:
See Continuation Sheet.
12. ☒ Note the attached Information Disclosure Statement(s). (PTO/SB/08) Paper No(s). 6/28/07
13. ☐ Other: _____.


David M. Naff
Primary Examiner
Art Unit: 1657

Continuation of 5. Applicant's reply has overcome the following rejection(s): The rejection of claims 1, 5-24, 39-44, 46-48 and 59 under 35 USC 112, first and second paragraphs.

Continuation of 11. does NOT place the application in condition for allowance because: In regard to claims 25, 28 and 58 not having support for "semiconductor manufacturing process", the response points to Figure 3 as illustrating a semiconductor manufacturing process. However, the present specification nowhere recites "semiconductor manufacturing process", and paragraph 75 in the specification that describes Figure 3 does not describe Figure 3 as a semiconductor manufacturing process. Since a resist is used in the processing of Figure 3, the figure is describing photoresist processing as required claim 1, and the response (page 10, 4th paragraph) refers to Figure 3 as describing photoresist processing. The term "semiconductor" is recited in only paragraphs 007, 0047 and 0185 of the specification, and this is only in regard to a type of material or wafer used as a starting material such as the starting wafer in Figure 3. Using a semiconductor starting material does not support a semiconductor manufacturing process.

In regard to claims 25 and 45 not having support for channels having a width and depth of about 200 microns, and claim 38 not having support for microchannels 200 microns in diameter, the response points to paragraphs 78, 109, 154, 157-159, 162, 183-185, 193, 196, a range of 10 to 500 microns thick in paragraph 97, and widths between 30-200 microns in paragraph 193. However, specification nowhere recites "about 200 microns" and "200 microns in diameter". A width of 200 microns and a thickness of 10 to 500 microns do not support a width and depth of "about 200 microns", and microchannels having a diameter of 200 microns

In regard to claim 32 not having support for optically creating a microfluidic pattern in a light sensitive material, the response refers to paragraph 72 as describing applying a layer of photoresist to a wafer surface and exposing the wafer to ultraviolet or other short-wavelength light through a semi-transparent mask. However, the term "optically" is recited only once in the specification in paragraph 0047, and this is with respect describing a surface by reciting "optically flat surfaces". Disclosing an optically flat surface does not support optically creating a pattern in a light sensitive material. Additionally, using ultraviolet or other short-wavelength light through a semi-transparent mask does not support the broader and different concept of optically creating a pattern in a light sensitive material.

In regard to claim 50 not having support for a layer having a thickness of at least 10 microns, the response refers paragraph 94 disclosing thin layers of 1 or 2 microns, and paragraph 97 disclosing a 250 micron thick layer. However, this disclosed thickness is substantially different from a thickness of "at least 10 microns", and does not support this thickness range

The request for an interview of is noted. However, due to time constrain for acting on a response after final rejection, an interview cannot be arranged before mailing the advisory action. An interview is normally not granted after an advisory action.

It should be noted that if the application is otherwise put in condition for allowance, the application cannot be allowed unless the non-elected withdrawn claims are canceled.